

**UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

NATURAL RESOURCES DEFENSE	)	
COUNCIL, INC., <i>et al.</i>	)	
	)	
Petitioner,	)	No. 14-1217
	)	(consolidated with Case Nos.
v.	)	14-1210, 14-1212, 14-1216)
	)	
UNITED STATES NUCLEAR	)	
REGULATORY COMMISSION and the	)	
UNITED STATES OF AMERICA,	)	
	)	
Respondents.	)	
	)	

**NON-BINDING STATEMENT OF ISSUES**

Pursuant to the Court’s Order of October 31, 2014, petitioner Natural Resources Defense Council (“NRDC”) hereby submits its statement of issues to be raised regarding its challenge to the United States Nuclear Regulatory Commission’s (“NRC”) *Final Rule for Continued Storage of Spent Nuclear Fuel* (“Continued Storage Rule”), and the *Final Generic Environmental Impact Statement for Continued Storage of Spent Nuclear Fuel* (“Generic EIS”), both published on September 19, 2014. *See* 79 Fed. Reg. 56,238 (Sept. 19, 2014); 79 Fed. Reg. 56,263 (Sept. 19, 2014). Without waiving any rights to submit additional

issues, as set forth below, petitioner NRDC intends to raise the following objections in support of their challenge:

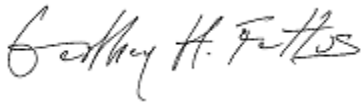
(1) Whether the Continued Storage Rule and Generic EIS, which make generic determinations that spent nuclear fuel can continue to be stored in spent-fuel pools and dry storage facilities safely and with mostly “small” environmental impacts indefinitely beyond the licensed life of any nuclear reactor, violate the Administrative Procedure Act (“APA”), the National Environmental Policy Act (“NEPA”), the Atomic Energy Act (“AEA”), the Commission’s policies and regulations, the Council on Environmental Quality’s regulations, and other applicable laws and regulations, or are otherwise arbitrary and capricious, an abuse of discretion or not in accordance with law.

(2) Whether the Continued Storage Rule and Generic EIS are arbitrary and capricious or an abuse of discretion, violate the APA, NEPA, AEA the Commission’s policies and regulations, the Council on Environmental Quality’s regulations, and other applicable laws and regulations, or are otherwise arbitrary and capricious or not in accordance with law, as the Generic EIS: (a) fails to accurately identify the major federal action triggering the agency’s obligation to perform a NEPA analysis and does so in a manner that violates the explicit directions of this Court; (b) fails to

identify and analyze the impacts of indefinite, continued storage of spent nuclear fuel at reactor sites across the country as it relies on arbitrary and capricious assumptions; (c) fails to present and analyze a reasonable range of alternatives for the indefinite, continued storage of spent nuclear fuel; (d) fails to present and analyze ways to mitigate the impacts of indefinite, continued spent nuclear fuel storage; (e) fails to consider differences in any site-specific impacts, alternatives, and mitigation measures; and (f) fails to adequately respond to comments submitted on the draft Generic EIS and draft rule.

(3) Whether the determination in the Continued Storage Rule that the Generic EIS may not be challenged in individual licensing proceedings is arbitrary and capricious or not in accordance with law.

Respectfully submitted,



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Filed this date of December 1, 2014